

EXHIBIT 1

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
Case No. 05-44481(RDD)

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In the Matter of:

DPH HOLDINGS CORP., et al.,

Reorganized Debtors.

- - - - -x

United States Bankruptcy Court
300 Quarropas Street
White Plains, New York

September 22, 2011
10:09 AM

B E F O R E:
HON. ROBERT D. DRAIN
U.S. BANKRUPTCY JUDGE

1
2 HEARING re Motion For Recoupment on Behalf of Delphi Salaried
3 Retirees
4

5 HEARING re Claims Objection Hearing Regarding Claims of Alla
6 Averbukh, on Behalf of the Estate of Boris Averbukh, as
7 Objected to in the Reorganized Debtors' Motion for Order (i)
8 Enforcing Modification Procedures Order, Modified Plan and Plan
9 Modification Order Injunction and Forty-Seventh Omnibus Claims
10 Objection Order Against Averbukhs, as Plaintiffs, in Maryland
11 State Court Wrongful Death Action; and (ii) Directing Averbukhs
12 to Dismiss Action to Recover Upon Discharged and Expunged Claim
13 ("Averbukh Injunction Motion")
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25 Transcribed by: Lisa Bar-Leib

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2 A P P E A R A N C E S :

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1
2 ALSO APPEARING:

3 JAMES B. SUMPTER

4 On Behalf of Himself as a Delphi Salaried Retiree

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6 Noblesville, IN 46062

7
8 BY: JAMES B. SUMPTER, PRO SE

DPH HOLDINGS CORPORATION, et al.

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1 least, they wouldn't make any sense to a lawyer versed in basic
2 principles of bankruptcy law. However, Mr. Sumpter isn't a
3 lawyer so I decided first to treat this matter through written
4 submissions by the parties and a hearing today. And secondly,
5 I decided not to enjoin him from bringing further actions.

6 On the other hand, by no means should Mr. Sumpter take
7 that ruling as a license to bring further actions that are not
8 premised upon a good faith real argument. The debtors have
9 their rights under -- in matters before this Court --
10 Bankruptcy Rule 9011, in matters in the federal district court
11 or other federal courts under Civil Procedure 11 and in their
12 corollaries under the various state court procedures for
13 bringing frivolous or bad faith claims. And Mr. Sumpter is
14 duly warned that notwithstanding his pro se status, he is on
15 clear notice that future motions in violation of the -- or
16 other litigation in violation of the plan modification order or
17 this Court's prior orders or the Delphi debtors' discharge
18 under their Chapter 11 plan should merit the imposition of
19 sanctions. And the debtors can certainly use this transcript
20 in that regard if such litigation is commenced outside of this
21 court.

22 So again, for the reasons that I've stated on the
23 record, the motion's denied as a matter of law under the
24 equivalent of or based upon the factors applied by the Court
25 under Bankruptcy Rule 7012 in light of the Court's prior orders

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